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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,089	12/13/2001	Steffen Denzinger	WI 00004	6890
7590	10/08/2003		EXAMINER	
Ashley I. Pezzner, Esquire CONNOLLY BOVE LODGE & HUTZ LLP 1220 Market Street P.O. Box 2207 Wilmington, DE 19899			CHU, JOHN S Y	
			ART UNIT	PAPER NUMBER
			1752	
			DATE MAILED: 10/08/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/016,089	DENZINGER ET AL.
	Examiner John S. Chu	Art Unit 1752
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b> <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b> <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>13 December 2001</u>.</p> <p>2a)<input type="checkbox"/> This action is <b>FINAL</b>.      2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
<b>Disposition of Claims</b> <p>4)<input checked="" type="checkbox"/> Claim(s) <u>18-35</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) _____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>18-35</u> is/are rejected.</p> <p>7)<input type="checkbox"/> Claim(s) _____ is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
<b>Application Papers</b> <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on _____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p>11)<input type="checkbox"/> The proposed drawing correction filed on _____ is: a)<input type="checkbox"/> approved b)<input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p> <p>12)<input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>		
<b>Priority under 35 U.S.C. §§ 119 and 120</b> <p>13)<input checked="" type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input checked="" type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input checked="" type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>15)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>		
<b>Attachment(s)</b> <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3,5</u>.</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____</p>		

## DETAILED ACTION

This Office action is in response to the application filed December 13, 2001.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 18-35 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over GB 2,324,381 (ALLEN et al).

The claimed invention is drawn to a recording material for the production of offset printing plates, which comprises a base-plate-form support, a radiation-sensitive layer on the front of the support and a continuous, pigment particle-free layer on the back, and the back layer consists essentially of an organic polymeric material having a glass transition temperature  $T_g$  of at least 45° C, and said material has a surface and said surface has a Bekk smoothness of from 5 to 800 s. The claims are further drawn to a process for the production of the recording material according, which comprises applying the back layer, by roller application.

ALLEN et al discloses a lithographic printing plate precursor having a back coat, wherein the material used for the back coat layer are listed on page 6, lines 1-5 to include poly(alkenes) and polyacrylates, which are inert and do not react with the photosensitive coating. The coating is applied by conventional coating means such as slot coating and various roller methods.

The glass transition temperature of the back coating in ALLEN et al is not explicitly disclosed. Likewise the Bekk smoothness of the coated back layer is not recited, however based on the disclosure of ALLEN et al, the recited properties of the polymer disclosed would fall within the Tg range as recited and the Bekk smoothness value indicates a roughness to the texture wherein the coating methods of the back layer by roller would easily give Bekk smoothness values in the range as claimed.

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It would have been *prima facie* obvious to one of ordinary skill in the art of lithographic plate precursors to coat a back coat layer on a substrate by the conventional means with a roller and obtain Bekk smoothness values in the range claimed for a rough coating as indicated by ALLEN et al and reasonably expect same or similar results for prevent damage upon stacking of the lithographic plates. The claimed properties for the back layer are asserted to inherently be present because of the materials used and the roller coating method.

3. Claims 18-35 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over DENZINGER et al.

The claimed invention has been recited above and is incorporated by reference. DENZINGER et al discloses offset printing plates wherein a back-coated layer is provided on the substrate. Column 10, lines 57-67 disclose a back coat layer using the polymers of Table 1 (layers a-d) wherein the layers is coated with a doctor blade. Layers a and d are noted to have a Tg of 49° C and of 54° C, respectively. This disclosure meets the claimed range for the Tg in the claims. The layers are coated by a conventional method and such as method is asserted to give a Bekk smoothness in the range as recited based on the imperfect method of coating by a

doctor blade such that the roughness in the coated layer would fall within the claimed Bekk smoothness range

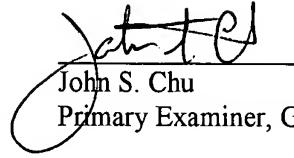
It would have been *prima facie* obvious to one of ordinary skill in the art of to coat a back layer on a printing plate precursor wherein the layer has a Tg of at least of 49° C because of the use of conventional inert polymers which fall in the claimed range with the reasonable expectation obtaining a printing plate which prevent damage to the photosensitive layer upon stacking. Secondly the skilled artisan would expect a Bekk smoothness of the back layer to be within the claimed range because conventional coating method can lead to a rough surface because of the imperfection in the coating process to give the claimed Bekk smoothness range. Thus the claimed properties are asserted to inherently be present in the prior art of DENZINGER et al based on the polymers used and the coating method.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. HATAKEYAMA et al is cited of interest for disclosing a Bekk smoothness for a backing layer having matte agents for a silver halide photosensitive film.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (703) 308-2298. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for this Group is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.



John S. Chu  
Primary Examiner, Group 1700

J. Chu  
September 30, 2003

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